

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS JUN 21 2001
WESTERN DIVISION By: JAMES W. McCORMACK, CLERK
ELLIS FOSTER, INDIVIDUALLY AND ON
BEHALF OF THE ESTATE OF EDDIE BAGBY, JR. DEP CLERK
PLAINTIFFS

V. NO. 4:99CV733 JWC

LARRY NORRIS, ET AL

DEFENDANTS

JOY CANADY, AS NATURAL PARENT AND
NEXT FRIEND OF EDDIE LYNN DESHAUN
RODERICK JEMEAL BAGBY, A MINOR

INTERVENOR

**PLAINTIFF'S SUPPLEMENTATION TO BRIEF IN RESPONSE
TO MOTION FOR ATTORNEY'S FEES**

Comes now the Plaintiff and supplements the Brief filed in Response to Motion for Attorney's Fees with the attached case:

The Lowber Hendricks Law Firm, P.A. v. Terry L. Scott, Appellee, CA99-118, 1999 Ark.
App. LEXIS 659, (Ark. App. 1999). In this case, the Court held that the attorney was fired for cause and was not entitled to an attorney's lien under Ark. Code Ann. 16-22-301 and 16-22-304 and that the attorney was not entitled to a contractual lien because the attorney did not negotiate the settlement which was a prerequisite for a contractual lien in a contingency fee agreement. Therefore, the Court held the attorney was not entitled to any of the proceeds in this matter for attorney fees.

The Court also stated factors that are grounds for termination for cause which included the attorney's lack of understanding of the client's wishes, poor communication, an adversarial attitude and possible misrepresentation. All of these grounds were present in the Affidavit of Hattie Bagby filed with this Court.

The Affidavit of Hattie Bagby clearly shows that Willard Proctor was fired for

cause and Mr. Proctor never obtained a written offer of settlement in the Eddie Bagby case. Therefore, according to the Court's reasoning in Lowber an argument could be made that Mr. Proctor is not entitled to any attorney fees from the proceeds.

Respectfully submitted,



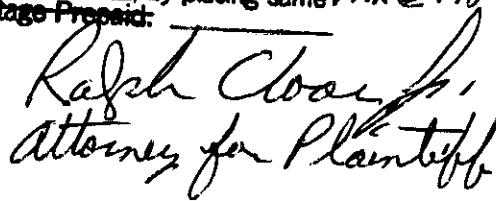
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CERTIFICATION OF SERVICE

I, hereby certify that on this 20th day of June, 2001
a copy of the foregoing was served upon
MARK CEVERETT, Attorney at Law,
in the U.S. Mail Postage Prepaid: FAX @ 978-5775



Ralph Cloar, Jr.
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

*Exhibits Attached
to Original
Document in
Court's Case File*